

Public Chapter 236

SENATE BILL NO. 1343

By Cooper, Gilbert, Koella, Atchley, Cohen, Miller

Substituted for: House Bill No. 1362

By Lois DeBerry, Bowers, Armstrong, McDaniel, Patton, Walley, Boyer, Clabough,
John DeBerry, Pruitt, Davis, Burchett, Givens, Ford, Fitzhugh, Cooper, Langster

AN ACT To amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4 and Title 63,
Chapter 6, Part 2, relative to Schedule IV controlled substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-412, is amended by
adding the following new subsection:

(g) Notwithstanding any rule or regulation of the board of medical
examiners to the contrary, a licensed physician may prescribe, order, administer,
sell, or otherwise distribute the Schedule IV controlled substances fenfluramine,
its salts and isomers, and salts of isomers, and phentermine, cited in Tennessee
Code Annotated, Sections 39-17-412(d) and 39-17-412(e)(4) respectively, for
any of such substances' currently accepted medical use in treatment in the
United States.

SECTION 2. Tennessee Code Annotated, Section 63-6-214, is amended by
adding the following new subsection:

() Notwithstanding any provision of this chapter or Chapter 9 of this title,
or any rule or regulation promulgated thereto to the contrary, it shall not be a
violation for a physician or osteopathic physician to prescribe, order, sell or
otherwise distribute the Schedule IV drugs fenfluramine, it salts and isomers, and
salts of isomers, and phentermine, for their currently accepted medical use in the
United States.

SECTION 3. Tennessee Code Annotated, Section 63-6-214, is amended by
adding the following new subsection:

() Notwithstanding any provision of this chapter or Chapter 9 of this title,
or any rule or regulation promulgated thereto to the contrary, whenever a
physician is treating obesity in a child who is under eighteen (18) years of age
with Schedule IV drugs fenfluramine, it salts and isomers, and salts of isomers
and phentermine, the physician shall:

(1) Obtain the consent of the child's parent or guardian; and

(2) Determine that the child's body mass index (BMI) is at least twenty-seven (27), or is at least twenty-five (25) with co-morbidities including, but not limited to:

- (i) Diabetes;
- (ii) Hypertension;
- (iii) Dyslipidemia;
- (iv) Cardiovascular diseases; and
- (v) Sleep apnea.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.